



**ICELANDIC CIVIL AVIATION  
ADMINISTRATION**

DEPARTMENT OF TRANSPORTATION

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DOCKET SECTION

U.S. Department of Transport Dockets  
Dockets No. FAA-1998-4758  
400 Seventh Street, SW  
Room Plaza 401  
Washington D.C. 20590  
USA

Your ref.

Dated

Our ref.

Date

**March 19, 1999**

**ORIGINAL**

*FAA 98-4758-23*

**Subject: Proposed amendment to Part 129.25(e) of Title 14 of the Code of Federal  
Regulations of the United States.**

The Icelandic Civil Aviation Administration presents its compliments to the Department of Transport and has the honor to refer the Department on behalf of its Government to a proposed rulemaking of the Federal Aviation Administration, Docket No. FAA-1998-4758; Notice No. 98-17.

Under the FAA's proposed amendment to Part 129.25(e) of Title 14 of the Code of Federal Regulations of the United States, foreign air carriers in their operation to and from airports in the United States must adhere to the identical security measures that the United States requires its air carriers serving the same airports to adhere to.

The Icelandic Civil Aviation Administration, recalling the Resolution adopted by the Council of the International Civil Aviation Organisation on the 5 February 1999, is of the view that the FAA's proposal intrudes impermissibly on the territorial sovereignty of our nation. One of the most important fundamental principles of international law is that a sovereign state has absolute authority to prescribe rules of conduct on its own soil, to the exclusion of the prescriptions of another state. Consequently, Governments have the unfettered right to prescribe and enforce security measures at airports in their countries, irrespective of nationality of particular airlines and the destination of departing flights.

Most states of the world, recognising that they all have a mutual and independent interest in sound airline and airport security, adhere to the aviation security provisions of the Chicago Convention contained in Annex 17 to the Convention and promulgated by the International Civil Aviation Organisation to which the United States and almost all other nations belong. The Annex clearly establishes that aviation security requirements are the responsibility of the nation in which a particular flight is loaded and inspected prior to take-off. The Icelandic Civil Aviation Administration believes that ICAO's system is the only workable one. Total confusion would reign and unnecessary friction would result if at any particular airport (whether in the US or elsewhere) aviation security measures were dictated for each departing international flight by the country of first arrival.

The Civil Aviation Administration of Iceland therefore urges the U. S. authorities to work in a co operative multilateral framework with their non-U. S. counterparts to address any perceived need to improve aviation security standards and practices, through ICAO or otherwise. What is not acceptable to the Civil Aviation Administration of Iceland is the FAA's attempt at unilateral assertion of extraterritorial FAA authority over security procedures at airports in our country. The proposed rule clearly leaves further room for unilateral security requirements to be imposed and unilateral changes to be made to the United States' security requirements after the law has entered into force. Moreover, the total potential cost to foreign (non-United States) governments and carriers are not known.

The Icelandic Civil Aviation Administration would be grateful to receive the views of the United States Government on this issue, and request the Department of Transportation to draw to the attention of the Federal Aviation Administration and the Department of State the content of this note.

The Icelandic Civil Aviation Administration avails itself of this opportunity to renew to the Department of Transport the assurances of its highest consideration.

A handwritten signature in black ink, appearing to read 'Thorgeir Palsson', with a long horizontal flourish extending to the right.

Thorgeir Palsson  
Director General of Civil Aviation